

STATE OF TEXAS §  
COUNTIES OF ARANSAS §  
SAN PATRICIO AND NUECES §  
CITY OF ARANSAS PASS §

On this the 20th day of October, 2014 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Adan Chapa Mayor  
Vickie Abrego Mayor Pro Tem  
Ramiro Gomez Council Member  
Billy Ellis Council Member  
Phillip Hyatt Council Member

ABSENT:

ADMINISTRATIVE

PERSONNEL PRESENT: Sylvia Carrillo City Manager  
Allen Lawrence City Attorney  
Yvonne Stonebraker City Secretary

ADMINISTRATIVE

PERSONNEL ABSENT:

STAFF PRESENT: Bill Haines Emergency Management Coordinator  
Eric Blanchard Police Chief  
Rickie Kilgore Fire Chief  
Michael Holmes Building Official  
James Hale Street Superintendent  
Ron Howe Municipal Court Judge  
Manny Camarillo Parks and Rec Director

OTHERS PRESENT: Ricky & Priscilla White, Don & Rhoda Poenisch, Lisa Hale, Mack & Kathy Oliver, Capt. Fred & Capt. Hope Comingore, Donald Brummett, Anita Gilden, W.E. Smith, Juan Perales, Jr, and Patsy Lawrence.

*There may have been others present who did not sign in.*

1. CALL MEETING TO ORDER.

Mayor Chapa opened the meeting at 7:00 P.M.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Mayor Chapa led the Invocation and the Pledge of Allegiance to the United States Flag.

3. CONSENT AGENDA – “All of the following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately”.

A. ORDINANCE NO. 2014-4091 – AN ORDINANCE AMENDING CHAPTER 28 “TRAFFIC”, SECTION 28-116 “USE OF WIRELESS COMMUNICATIONS WHILE DRIVING” OF THE CODE OF ORDINANCES OF THE CITY OF ARANSAS PASS, TEXAS; AND, PROVIDING FOR AN EFFECTIVE

- DATE.
- B. ORDINANCE NO. 2014-4092 – AN ORDINANCE AMENDING CHAPTER 19.5 “PARKS AND RECREATION”, SEC. 19.5-4 PROHIBITED – OVERNIGHT CAMPING” OF THE CODE OF ORDINANCES OF THE CITY OF ARANSAS PASS, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE.
- C. ORDINANCE NO. 2014-4093 – AN ORDINANCE AMENDING SECTION 18-9 “DISCHARGING FIREARMS, AIR GUNS OR SPRING GUNS” OF THE CODE OF ORDINANCES OF THE CITY OF ARANSAS PASS, TEXAS, TO PROVIDE FOR SIGNAGE; AND, PROVIDING FOR AN EFFECTIVE DATE.
- D. RESOLUTION 2014-739 – A RESOLUTION AUTHORIZING TAX RE-SALE OF ACCT. NO.1783-0001-0001-009; LOTS 1,2,3,4,5,6,7,8 & 9, STUARTS ADDITION, SAN PATRICIO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 1, PAGE 38, MAP RECORDS OF SAN PATRICIO, TEXAS.

Motion Made By: Council Member Hyatt

Seconded By: Council Member Ellis

Votes: Aye Hyatt, Ellis, Gomez, Abrego, Chapa

Discussion: Council Member Hyatt made a motion to approve the consent agenda. Council Member Ellis seconded the motion and the motion carried unanimously.

4. CITIZENS' COMMENTS.

There were none.

5. PROCLAMATION FOR “CELEBRATION OF TEXAS NATIVE PLANTS.”

Discussion: Mayor Chapa read the proclamation and presented to Ms. Rhoda Poenisch.

Ms. Poenisch stated she had recently moved to Aransas Pass and that she was President of the South Texas Chapter. Handed out literature for Council with information on native plant nurseries and useful tips. Encourages everyone to plant native flowers and the goal was to feed native wildlife, drought persistent, prevents erosion and low maintenance.

6. CONSIDER AND ACT ON APPROVING RESOLUTIONS PERTAINING TO BOND SALE:
- A. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ARANSAS PASS, TEXAS AUTHORIZING AND APPROVING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15C2-12; AND PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION RELATING TO ESTABLISHING THE CITY COUNCIL OF THE CITY OF ARANSAS PASS, TEXAS' INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS RELATING TO THE ACQUISITION OF CERTAIN PERSONAL PROPERTY FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE.

Motion Made By: Council Member Ellis

Seconded By: Council Member Hyatt

Votes: Aye Ellis, Hyatt, Gomez, Abrego, Chapa

Discussion: Andrew Friedman spoke on behalf of Southwest Securities, explaining that he and the City Manager have been brainstorming for the past few weeks on the best way to procure/finance equipment needs for the City. The list of items needed includes fleet vehicles, street and drainage equipment and a new fire truck. Mr. Friedman reviewed the debt service schedule with the Council and said that the City would not have to increase I&S taxes in order to cover the new debt needs. He also reviewed the timetable for the Certificates of Obligation. The first publication of the Notice of Intention would be published in that coming Wednesday's newspaper and the following Wednesday. Thirty days after publication, the City would be eligible to lock in interest rates. Bids will be received on Monday, December 1 and delivery will take place January 5, 2015. Interest rates are at their lowest for the year. City Manager Carrillo added that the payments for the obligations

have already been budgeted for the next two years. Along with the equipment comes maintenance and staffing plans. 20-22 fleet vehicles will need be put out for bid.

Council member Ellis made a motion to approve both items A and B. Council member Hyatt seconded the motion and the motion carried unanimously.

7. **CONSIDER AND ACT ON A REQUEST FOR REIMBURSEMENT FROM THE SAN PATRICIO DRAINAGE DISTRICT IN THE AMOUNT OF \$71,291.28 FOR THE PURCHASE AND MAINTENANCE OF STORMWATER PUMPS AND RELATED EQUIPMENT FOR THE GOODNIGHT PUMP STATION.**

Motion Made By: Mayor Pro Tem Abrego

Seconded By: Council Member Hyatt

Votes: Aye Abrego, Hyatt, Gomez, Ellis, Chapa

Discussion: City Manager Carrillo explained that the Drainage District reimburses the City of Aransas Pass around \$85,000.00. We had not requested funds in some time. Last year, we requested reimbursement of about \$200,000 in equipment costs. There is still some funding available and we would like to use it for the Goodnight pump station. The size of the pump would be increased as well as related equipment would be replaced. Council member Hyatt asked about buildings. City Manager Carrillo responded that the City was getting bids on the building and had not yet awarded the bid to anyone.

Mayor Pro Tem Abrego made a motion to authorize the request for reimbursement from the San Patricio Drainage District in the amount of \$71,291.28. Council member Hyatt seconded the motion and the motion carried unanimously.

8. **CONSIDER AND ACT ON APPROVING INSPECTION DEPARTMENT ITEMS:**

**A. PROPOSED DEVELOPMENT AGREEMENT FOR SHAWN THOMAS FOR HIS PROPERTY LOCATED AT 1751 EBERT AVENUE. THE PROPERTIES ARE DESCRIBED AS RE-PLAT LOT 15C, BLOCK 200, BURTON & DANFORTH S/D, 1.442 ACRES, ARANSAS PASS, TEXAS AND RE-PLAT LOT 15B, BLOCK 200, BURTON & DANFORTH S/D, 1.442 ACRES, ARANSAS PASS, TEXAS. THE PROPERTY IS ZONED (R16) SINGLE-FAMILY DWELLING DISTRICT.**

Motion Made By: Mayor Pro Tem Abrego

Seconded By: Council Member Hyatt

Votes: Aye Abrego, Hyatt, Gomez, Ellis, Chapa

Discussion: City Manager Carrillo explained that Mr. Thomas had approached the City to construct a building on Ebert. Ebert has a two-inch water line providing water to the houses along the street. However, two inch lines have not been legal in the state for a long time. Therefore, the City has to correct this by installing a six-inch line. Mr. Thomas is responsible for payment on his section of the road and is willing to enter the agreement. Council members asked for clarification on where exactly the address was. Ebert is currently a "paper" street but will benefit from the reconstruction of Highland Avenue. Mayor Pro Tem Abrego made a motion to approve the development agreement for Mr. Shawn Thomas. Council member Hyatt seconded the motion and the motion carried unanimously.

**B. PUBLIC HEARING TO AMEND THE GENERAL BUSINESS USE TABLES TO ALLOW "C-CONDITIONAL USE" FOR 10- 214 STORAGE, PROCESSING & COMMERCIAL USES - USE #213 SALVAGE & RECLAMATION-INSIDE BUILDING.**

Attorney Allen Lawrence opened the Public Hearing at 7:26 PM. City Manager Carrillo said the item was in regards to uses such as the recycling center on Wheeler and similar businesses. The Planning & Zoning Commission did not wish to allow to the Conditional Use outside of a storage building. Council would have to make the decision if they wanted to allow that or not. Building Official Michael Holmes added that the item was brought before council because it began as a Code Enforcement complaint. When staff researched the business, it was found that a Conditional Use Permit had never been issued for the business. P&Z recommended not allowing the use as a conditional use, even with screening. Furthermore, it would take a lot of work to screen all of the work and get the building up to code. Council member Hyatt commented that he hated to see businesses being kicked out of town, especially since they had been there for six years. Council had the option to amend P&Z's recommendation. The business owner was more than willing to do fencing, landscaping and anything that was required to be in

compliance. City Manager Carrillo also added that landscaping and screening was required for new businesses. Mayor Pro Tem Abrego asked if this was approved, would others like it have to be approved. City Manager Carrillo replied that all permits would be approved individually as a Conditional Use Permit. City Attorney Lawrence closed the public hearing at 7:32 p.m.

**C. CONSIDER AND ACT ON AMENDING THE GENERAL BUSINESS USE TABLES TO ALLOW “C-CONDITIONAL USE” FOR 10-214 STORAGE, PROCESSING & COMMERCIAL USES - USE #213 SALVAGE & RECLAMATION-INSIDE BUILDING.**

Motion Made By: Council Member Hyatt  
Seconded By: Council Member Gomez  
Votes: Aye Hyatt, Gomez, Ellis, Abrego  
Nay: Chapa

Discussion: Council Member Hyatt made a motion to approve amending the General Business Use Tables to allow “C-Conditional Use” for 10-214 Storage, Processing & Commercial Uses – Use #213 Salvage and Reclamation-Inside Building subject to landscaping and lighting. Council Member Gomez seconded the motion and the motion carried unanimously.

9. **CONSIDER AND ACT ON APPROVING THE ARANSAS PASS POLICE DEPARTMENT ITEMS:**  
**A. APPROVING CONTRACT RENEWAL WITH GOOGLE FOR THEIR SAAS GOOGLE APPS FOR GOVERNMENT IN AN AMOUNT NOT TO EXCEED \$2,500.00.**  
**B. APPROVING CHIEF ERIC BLANCHARD DONATING SIX OLD, UNUSED TASER AXON FLEX CAMERAS TO THE CITY OF SINTON, POLICE DEPARTMENT.**

Motion Made By: Mayor Pro Tem Abrego  
Seconded By: Council Member Ellis  
Votes: Aye Abrego, Ellis, Gomez, Hyatt, Chapa

Discussion: Chief Blanchard stated the SAAS Google Apps for Government was not budgeted for, but would pull funds from his Discretionary Fund and the Aransas Pass Police Department received all new Taser Cams and would like to donate old Taser Cams to the City of Sinton Police Department.

Mayor Pro Tem Abrego made a motion to approve the Aransas Pass Police Departments SAAS Google App for Government Item and the Taser Cam item in one fluid motion. Council Member Ellis seconded the motion and the motion carried unanimously.

10. **CITY MANAGER UPDATES:**

City Manager Carrillo stated Conn Brown Harbor clean-up has begun, Aquatic Center closed for winter on Sunday, October 19 and repairs have started, Mack Oliver has moved into the temporary location on the harbor, park renovations continue, staff will come before council with an artificial lighting resolution.

**DEPARTMENT UPDATE: POLICE DEPARTMENT, FINANCIAL UPDATES**

Police Chief Blanchard gave an update on burglary and theft crimes, sexual predator alert, home invasions and arrests, calls for service, tickets and traffic.

11. **RECESS OPEN MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Mayor Chapa recessed the Open Meeting and retired to Executive Session at 7:46 PM.

- A. **SECTION 551.071 – CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS – NAISMITH ENGINEERING**  
B. **SECTION 551.074 – DELIBERATIONS REGARDING PERSONNEL – MUNICIPAL COURT JUDGE – RON HOWE**

12. RECONVENE OPEN MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Mayor Chapa reconvened the Open Meeting at 9:12 PM.

- A. SECTION 551.071 – CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS – NAISMITH ENGINEERING
- B. SECTION 551.074 – DELIBERATIONS REGARDING PERSONNEL – MUNICIPAL COURT JUDGE – RON HOWE

Discussion: **No Action**

13. ADJOURNMENT OF MEETING.

Motion Made By: Council Member Hyatt

Seconded By: Mayor Pro Tem Abrego

Votes: Aye Hyatt, Abrego, Gomez, Ellis, Chapa

Nay:

Council Member made a motion to adjourn the meeting. Council Member seconded the motion and the motion carried unanimously.

Mayor Chapa adjourned the City Council meeting at 9:13 PM.

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Adan Chapa, Mayor

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Yvonne Stonebraker, City Secretary